

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

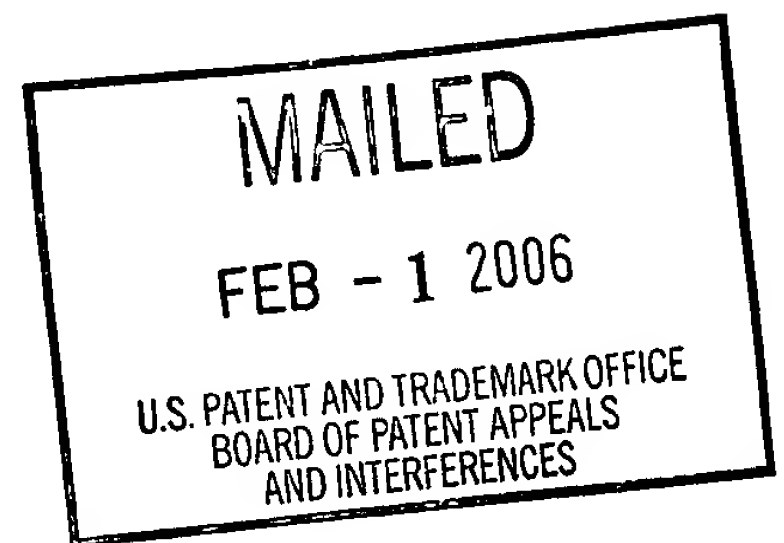
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOSEPH R. BYRUM,
THOMAS J. La ROSA, and
GREGORY R. HECK

Appeal No. 2005-2364
Application 09/960,481

ORDER DISMISSING APPEAL



Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge,
ADAMS, Administrative Patent Judge.

Per curiam.



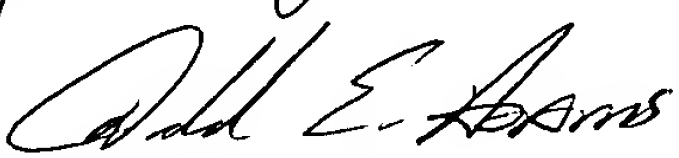
On July 26, 2004, appellants filed a Notice of Appeal. On December 23, 2005, appellants filed a communication requesting that this application be expressly abandoned in view of a continuing application filed December 22, 2005.

Accordingly, it is

ORDERED that the appeal filed July 26, 2004, is dismissed.

Appeal No. 2005-2364
Application 09/960,481

The application is being returned to the examiner for further action as may be appropriate.

)	BOARD OF PATENT
Michael R. Fleming, Chief Administrative Patent Judge		
		
Gary V. Harkcom, Vice Chief Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
Donald E. Adams Administrative Patent Judge)	

Monsanto Company
800 N. Lindbergh Blvd.
Mailzone E2NA
St. Louis, MO 63167

dem